

Testimony in Support of House Bill 304
Before the House Natural Resources Committee
On Behalf of the Clark Fork River Basin Task Force
By Gerald Mueller
February 07, 2007

Chairman McNutt and members of the committee, my name is Gerald Mueller. I live at 440 Evans, Missoula, Montana. I submit this testimony in support of HB 304 at the direction and on the behalf of the Clark Fork River Basin Task Force.

The Task Force was created in 2001 pursuant to 85-2-350 MCA and directed by that statute to prepare a water management for the Clark Fork River Basin that would identify options to protect the security of basin water rights, and provide for the orderly development and conservation of water in the future. In September of 2004, the Task Force provided the required plan, entitled the *Clark Fork River Basin Watershed Management Plan*, to the Governor, legislature, and the public. A list of Task Force members is appended to this testimony.

Recommendation 8-6 in the plan states, "The Legislative Water Policy Committee should be re-established to increase the focus on water issues and water education for legislators."

The Task Force made this recommendation for three reasons. First, the quality of life and economy of all Montanans quite literally depend on access to water. None of us can live without it. Second, Montana's Constitution creates a unique role for the state and a unique duty of the legislature regarding water. Article IX, Section 3, paragraphs (3) and (4) state:

- (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.
- (4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

The Constitution makes no similar claims regarding any other natural resource. And third, understanding water law and the complexities of water administration and management is a challenging task, too challenging to be just one other topic area of the Environmental Quality Council. The effect of term limits and the increasing urbanization of Montana's population have reduced the legislature's first-hand knowledge of water law, administration, and management.

The cost identified in this bill's fiscal note, about \$73,500, is a small price to pay to increase the time and attention that the legislature through a water policy committee can devote to water and for the knowledge and understanding of the issues involved in its administration and management that will result.

Not passing this bill and funding a legislative water policy committee would truly be penny wise and pound foolish.

Thank you.

Clark Fork River Basin Task Force

Name	Organization	Area/Interest Represented
Marc Spratt	RLK Hydro	Flathead Basin above Flathead Lake
Nate Hall	Avista	Hydropower Utilities
Holly Franz	PPL Montana	Hydropower Utilities
Matt Clifford	Clark Fork Pend Oreille Coalition	Conservation/Environment
James Steele	Confederated Salish and Kootenai Tribes	Indian Tribes
Gail Patton	Sanders County Commissioner	Basin Local Governments
Vacant		Clark Fork River Watershed below Flathead River confluence
Arvid Hiller	Mountain Water Company	Municipal water companies and the Clark Fork River Watershed between the confluence of the Blackfoot River and the Clark Fork River and the confluence of the Clark Fork River and the Flathead River
Elna Darrow	Flathead Basin Commission	Flathead Lake
Steve Hughes	Joint Board of Control	Flathead River watershed below Flathead Lake to the confluence with the Clark Fork River
Harvey Hackett	Bitter Root Water Forum	Bitterroot River watershed
Fred Lurie	Blackfoot Challenge	Blackfoot River watershed
Jim Dinsmore	Granite Conservation District & Upper Clark Fork River Basin Steering Committee	upper Clark Fork River watershed
Verdell Jackson, <i>Ex Officio</i>	State Representative	House District 6
Joey Jayne <i>Ex Officio</i>	State Representative	House District 15
Jim Shockley <i>Ex Officio</i>	State Senator	Senate District 45